

**Noreen Rucinski**

Dir. Strategic Business Development  
Schneider Rucinski Enterprises  
3344 N Mt. View Dr  
San Diego CA 92116  
619-282-7977  
Plaintiff in Pro Per  
Appearing pro se

**FILED**

2008 AUG 15 PM 3:00

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:                      DEPUTY

**UNITED STATES DISTRICT COURT**

**IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

SCHNEIDER RUCINSKI ENTERPRISES, )

Plaintiff, )

vs. )

TOUCH ASIA  
STRATASOFT, INC  
INX, INC., a Texas Corporation formerly  
known as I-SECTOR CORPORATION;  
US COLO AT ONE WILSHIRE a Nevada  
CORP, )

Defendants. )

Case No.: 08 CV 0138 WQH POR

Date: August 18, 2008  
Time: 11:00 am

Judge: Hon. William Q Hayes

**PLAINTIFF'S REJOINER FOR  
DEFENANTS INX,STRATSOFT AND  
USCOLO AT ONE WILSHIRE AUGUST  
11<sup>TH</sup> REPSONCE**

**{NO ORAL ARGUMENT}**

**REJOINER TO DEFENDANT'S REPLY TO OPPOSITION**

Plaintiff Noreen Rucinski most respectfully submits this rejoinder to defendant Stratasoft's

Reply to the Opposition and states that:

1. The present amended complaint falls within the federal jurisdiction of this Court first because the requirements on diversity are fully complied with. The opposing parties in this case are citizens of different states as it is determined in our lengthy investigations and catch 22's by the defendants stating it is a mistake at the Secretary of State. Since each Secretary of State files the corporations, it is therefore that the filing corporation is considered a citizen of the state in which it maintains its jurisdiction and its principal place of business which has been established, all defendants are therefore not citizens of California where plaintiff is a citizen. Stratasoft Inc. and INX/I-Sector Inc. are both registered and maintain principal place of business in Texas and defendant US Colo LLC is

1 registered in Nevada and maintains principal office therein and as well in the State of  
2 California, as US Colo at One Wilshire a foreign corporation with it's jurisdiction in  
Nevada and secondary offices in multiple states.

- 3 2. The defendants US Colo (at One Wilshire) have acquiesced and agreed that the plaintiff's  
4 information is and has been correct, while stating, they would want it to be otherwise, the  
5 secretary of State for California, has in writing, as submitted by both defendants under the  
6 laws of perjury, declared it is a business in California but the jurisdiction is Nevada,  
7 evidently somehow, these people, who have filed these declarations have confused  
themselves, how could it be California as a primary jurisdiction? When it was written by  
the state and copied by the defendants, as well as the plaintiff, several times over and  
clearly showing as a foreign corporation doing business in California.
- 8 3. However, the defendant US Colo at One Wilshire wants us to know it is a mistake, and we  
9 should take that under advisement. The plaintiff has diligently stated from the start that IN  
10 FACT using the first company name, it was known as of US Colo along with any and all of  
11 the DBA's of, and including this one, "US Colo at one Wilshire" shows jurisdiction in the  
12 state of Nevada. Those DBA's and alter ego names, that Don't show Nevada jurisdiction  
13 only do so, because that California filed Secretary of State Corporation has an identical one  
14 sitting in the Secretary of State for Nevada with full address of the same managing people,  
15 using state and jurisdiction of Nevada, the exact same name, based on who is doing filing  
16 the complaint. The long battle to be right and undaunted by the will of the educated, I hope  
17 has kept me in good stead with the courts. My only desire is to see justice and the ability to  
18 have justice where I am injured, in this long, costly battle. I harbor no ill will for those that  
19 wished to squash this under the sheer will that I must be wrong. So I hope the courts see's  
20 and understands that there is only one right answer and it is copied on paper supplied to the  
21 state clearly showing Nevada as the jurisdiction for US Colo and or US Colo at one  
22 Wilshire as filed in the last response.
- 23 4. This amended complaint likewise falls within the federal jurisdiction of this Court as it  
24 involves a complaint for RICO act violation, a federal law, through the commission of mail  
25 and wire fraud, interstate transport of stolen properties and bank fraud;
- 26 5. As previously mentioned in plaintiff's Opposition to the Motion to Dismiss, all the elements  
27 of a RICO violation under Section 1962 (c) are present in this case. Section 1962 (c)  
28 prohibits any person from operating or managing an enterprise through a pattern of  
racketeering activity. Plaintiff was economically damaged or injured by reason of the  
herein defendants' operation of their corporate entities which together formed the enterprise  
contemplated in the RICO law through a pattern of racketeering activities which were laid  
down in the First Amended Complaint and which will be specifically stated and thoroughly  
shown in the Second Amended Complaint as requested by the defendants;
6. Although the statements in the First Amended Complaint were not quite enough for the  
other more educated Legal teams to see that along with overuse of terms, made it difficult  
to see that the plaintiff did in several different locations state the claims for which relief can  
be granted. We are compelled to ask the courts, based on asking in the alternative for a  
more definitive statement. The defendants have requested to see with more specifically,  
the allegations and the existence of the enterprise which engaged in a pattern of  
racketeering activities and that enterprise is composed of the defendants. Thus, plaintiff  
has given the courts a draft to of the more defined statement as requested in the form of a

1 drafted amended second complaint and begs the indulgence of this court to allow a drafted,  
2 Second Amended Complaint. This Pro Se understands and doesn't wish to waste the courts  
3 time and or cost the state more money. However, I can only hope that this court, as I am  
4 told is here for me and others injured like me to seek justice and hopes she will not suffer  
5 from a miscarriage of justice merely because she appears pro se and cannot fight with equal  
6 brilliance the well-paid lawyers of the defendants; it is provided within the laws that is not  
7 unreasonable to grant rewrites for more definitive statements for the plaintiffs.

- 8 7. Since under the law and as laid down by various jurisprudence, RICO violation under  
9 Section 1962 (c) can be generally established by plaintiff by proving that a defendant  
10 person was employed by or associated with an enterprise that engaged in or effected  
11 interstate commerce or other predicated acts such as mail or wire fraud and that the  
12 defendant person operated or managed the enterprise through a pattern of racketeering  
13 activity and the plaintiff was injured in her business by reason of the racketeering activity,  
14 then the first amended complaint have already established such facts. It was only the  
15 uneducated eye and overuse of terms, thought needed to be used to be understood. For the  
16 Pro Se' the First Amended Complaint which was a challenge to properly write the claims  
17 lacking the education, however, she has now used simpler terms that had become a  
18 hindrance, for it to be easily and clearly understood by those who are in the legal field.
- 19 8. The relatedness and continuity requirements for RICO violation under Section 1962 (c)  
20 cited in the case of *H.J. Inc. v. Northwestern Bell*, 492 U.S. 229 (1989) are present in the  
21 first amended complaint and will be clearly shown in the second amended complaint. "To  
22 be related, the criminal actions that form the pattern must "have the same or similar  
23 purposes, results, participants, victims, or methods of commission, or otherwise are  
24 interrelated by distinguishing characteristics." (*H.J. Inc.*, 492 U.S. at 240). These elements  
25 among others are present in the instant Complaint and only needs to be shown with  
26 particularity and conciseness by the plaintiff.
- 27 9. Thus, plaintiff now prays unto this court to grant plaintiff as requested by the defendants an  
28 opportunity to give a more either a detailed statement or a second amended complaint  
which is not unreasonable. A draft of the more detailed and or draft of amended second  
complaint is presented with this rejoinder which contains specific and concise allegations  
of facts and circumstances and which clearly show the acts being complained of by the  
plaintiff.

#### PRAYER

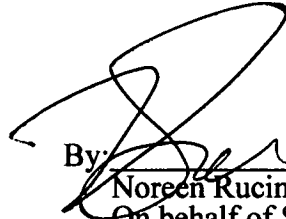
"Plaintiff prays that the Motion to Dismiss filed by defendants be denied by this court and that  
plaintiff be allowed to further amend her complaint with more definitive statements or to submit a  
Second Amended Complaint.

Other relief just and equitable under the premises are likewise prayed for."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

On Behalf of

SCHNEIDER RUCINSKI ENTERPRISES



By: \_\_\_\_\_  
Noreen Rucinski,  
On behalf of SRE

1  
2 **CERTIFICATE OF SERVICE**

3 I HEREBY CERTIFY that on this 15 day of August 2008, I caused to be mailed a  
4 true and correct copy of the foregoing to the following by the method described  
5 below:  
6  
7  
8

9 *By Mail Delivery:*  
10 \_\_\_\_\_  
11

12 *BY U.S. Mail, postage prepaid:*

13 August 15<sup>th</sup> 2008  
14 \_\_\_\_\_  
15

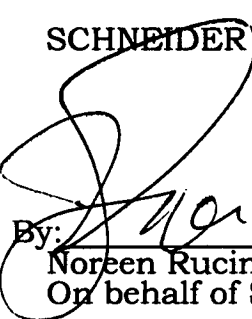
16 Emailed to defendants

17 August 15<sup>th</sup> 2008  
18

18 Dated:

19 On Behalf of

20 SCHNEIDER RUCINSKI ENTERPRISES

21  
22  
23 By:   
24 Noreen Rucinski,  
25 On behalf of SRE  
26  
27  
28